

legislation have, throughout this process, voted as a block to prevent the passage of any so-called "deal-breaking" amendments. At several points during the debate, members of this coalition have admitted that the amendments in question would, in their opinion, improve the overall bill. Yet, in an effort to preserve the coalition, they have worked together to prevent the passage of even some of the most reasonable, commonsense amendments.

Then, after an initial attempt to end the debate failed, the majority leader agreed to let the debate go forward and to have votes on a number of amendments. Initially, this sounded good. However, it soon became clear that, in another effort to preserve this shaky, flawed compromise, the only amendments that would be voted on were those of the majority leader's own choosing.

I don't believe that anyone should be criticized for their willingness to compromise. Clearly, compromise is a vital part of what we do in the Senate. However, we simply cannot value compromise for compromise's own sake. Indeed, we should not push through such fatally flawed legislation simply because it is the product of compromise. Compromise—the means by which the Senate passes legislation that will benefit our Nation—is not an end unto itself.

Yet, too many of my colleagues seem all too willing to simply push this legislation through simply to preserve this great compromise. In fact, it almost appears as if some would consider our efforts successful if we were simply able to bring this bill to passage, regardless of what the bill looked like and regardless of what its effect would be on our immigration system. However, I believe that if we were to follow this course, we would be wasting an opportunity to provide real reforms to our Nation's immigration policy and to provide real solutions for our Nation's many immigration problems.

It is not a novel idea to suggest that there was a better way to approach this problem. That way, Mr. President, was the process by which we approach all issues of this magnitude. This bill was brought to the floor without having gone through the committee process. This is never a good sign for any piece of legislation. Whenever you bypass the regular order of the Senate, there will undoubtedly be a significant portion of our constituents who feel as if their views don't count. The Senate has used and maintained the committee structure for over 200 years, and it has served the American people well. In this case, refusing to use the time-tested committee structure has been a recipe for disaster.

The decision to bring this bill directly the floor robbed many Senators of an opportunity to examine the bill thoroughly and publicly express their concerns. In addition, it made certain that the bill would come before the entire Senate without the benefit of Com-

mittee hearings, expert testimony, and a public markup.

Strangely enough, this is the precise criticism meted out by the Democrats when they were in the minority last Congress. Now that control of the Senate has changed hands, it seems the Democrat requirement for regular order is not necessary anymore.

Mr. President, we have been told that this is our last chance to pass immigration reform for several years. I disagree. Once again, there were other approaches that could have been taken to pass this legislation, and these options remain available. In addition, there are many areas of agreement when it comes to immigration. Therefore, I believe that we can find a way to address our immigration problems that will satisfy the American people.

But, to do that, we need a process that is fair and open. The process we have followed in this case has been too limiting and, as a result, we have a bill that the vast majority of Americans will not support. That being the case, I oppose this effort to end debate and to push this bill through.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF LIEUTENANT GENERAL DOUGLAS E. LUTE TO BE ASSISTANT TO THE PRESIDENT AND DEPUTY NATIONAL SECURITY ADVISER FOR IRAQ AND AFGHANISTAN

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Calendar No. 165, the nomination of LTG Douglas Lute; that the time until 3 o'clock be for debate on the nomination, equally divided between myself and Senator WARNER or his designee; that at the conclusion or yielding back of time, the nomination be laid aside and the Senate return to legislative session in morning business; and that at 4 p.m., the Senate return to executive session and the vote on confirmation of the nomination of Lieutenant General Lute.

I also am hopeful that there will be some votes on judicial nominees as well today, but that has not yet been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read the nomination of Douglas E. Lute, Department of Defense, Army, to be Lieutenant General.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 8 minutes.

I support the nomination of LTG Doug Lute to be Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan.

Lieutenant General Lute is an accomplished senior officer with a distinguished record and great experience in both military tactics and national security strategy and policy. Lieutenant General Lute has been serving as the Director of Operations, J-3, on the Joint Staff since September of 2006. Immediately prior to this assignment, he served for more than 2 years as the Director of Operations, J-3, at U.S. Central Command, overseeing combat operations in Iraq and Afghanistan and other operations in the CENTCOM area of responsibility.

While I know of no concerns as to General Lute's qualifications for the position to which he has been nominated by the President, there have been some other concerns expressed about this nomination. The first concern questions the need for the position itself as well as the potential for confusion as to who is responsible for Iraq and Afghanistan policy. On the one hand, the position implies a direct and independent relationship with the President as Assistant to the President, and on the other hand, as Deputy National Security Adviser for Iraq and Afghanistan, the position implies subordination to the National Security Adviser.

One can argue that the responsibility for Iraq and Afghanistan policy clearly belongs to the National Security Adviser, as well as the responsibility for directly advising the President on those issues. Creating a position with ambiguous subordination to the National Security Adviser could needlessly complicate and confuse an already confused policy process. I, too, have some concerns in this regard but not to the extent that I will oppose the President's decision to create such a position.

The other concern which has been expressed is that appointing an Active-Duty military officer to such a political position is a practice which should be avoided in that for the officer in question, it needlessly blurs the distinction between recommendations he might make based on unbiased professional military judgment and those based upon or colored by political considerations. In a larger sense, it is counter to the traditional American approach to civil-military relations. For the individual officer, it may also create difficulties in subsequently returning from a political position to a uniformed, apolitical, military position. I emphasize that General Lute will remain on active duty during this period.

However, this would not be the first time that uniformed military officers, remaining on active duty, have served

in such positions, one of the most notable examples being Colin Powell's own service as, first, the deputy National Security Adviser, and then as the National Security Adviser, and subsequent outstanding service as Chairman of the Joint Chiefs of Staff. While I don't believe it should be the norm for a military officer to serve in these kinds of positions, I do not believe this should be a disqualifying concern in rare circumstances such as this, and therefore should not disqualify General Lute from his nominated position.

I do believe, however, that General Lute has been nominated for an unenviable position. He will be responsible for bringing coherence to an incoherent policy—a policy that is still floundering after more than 4 years of war in Iraq.

General Lute told the Armed Services Committee that “the position is an advisor and coordinator, without directive authority beyond a small staff.” He further said that the ability to move policy forward had to do more with such factors as “Presidential direction and support, acceptance by other policy principals, broad commitment to a common cause, cultivated interpersonal relationships, personal integrity, and meaningful results.”

Secretary Rice, described as a close personal friend of the President—indeed almost a family member—was either not able to get that Presidential direction and support or not able to employ it to bring coherence to the President's policy. One must wonder how General Lute can be expected to be more successful.

It is no secret that several retired four-star general officers were offered the position and turned it down. According to media reports, one reason given by one of the generals was that the administration remains fundamentally divided on how to carry out the conflicts in Iraq and Afghanistan. Retired Marine GEN Jack Sheehan, who declined to be considered for the position, said:

The very fundamental issue is, they [the administration] don't know where the hell they're going.

General Sheehan reportedly expressed concern that the hawks within the administration, including Vice President CHENEY, remain more powerful than the pragmatists looking for an exit strategy in Iraq. This does not bode well for General Lute.

It is no secret that General Lute himself questioned the so-called surge strategy for Iraq before its announcement by President Bush last January. Indeed, General Lute confirmed that doubt at his hearing.

The surge is now complete, and the results are not very promising. American casualties are at some of the highest levels of the war, sectarian violence is rising again after a short reduction, and the insurgency is as active as ever, especially in the use of mass casualty-

producing car bombs against Iraqi citizens and improvised explosive devices against United States and Iraqi forces.

The stated principal purpose of the surge was to give space and time for the Iraqi politicians to make progress on the critically important political reconciliation benchmarks, such as implementing legislation for the equitable distribution of revenues from oil sales, de-Baathification, and constitutional amendments, that would lead to reconciliation among the three main Iraqi groups. Progress is not apparent in those critically important political reconciliation areas—again, the stated purpose of the surge.

I believe the only chance to get Iraqi politicians to stand up is when they know we are going to begin to stand down. Our soldiers risk their lives while Iraqi politicians refuse to take political risks and make the necessary compromises to promote reconciliation. Those are the compromises which everybody agrees must be made if there is going to be any hope to end the violence in Iraq. We cannot continue to have the lives of American servicemembers held hostage to Iraqi political intrigue and intransigence.

I hope once General Lute is confirmed, he will be willing and able to redirect Iraq policy to exert maximum pressure on Iraqi leaders to achieve political reconciliation. The beginning of that is a phased redeployment of United States troops from Iraq. That is the only leverage on those leaders with any hope of success, with them finally understanding that their future is in their hands and we cannot save them from themselves.

But as for today's nomination, I support the confirmation of LTG Douglas Lute to be the special assistant to the President and the Deputy National Security Adviser for Iraq and Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I note with great respect and approval the Senator's comments to support his nomination. The Senator and I have discussed this nomination, and I strongly endorse the President's nomination of General Lute and welcome the support of our distinguished chairman of the committee.

The Senator made reference to General Sheehan and others who apparently had some contact with the White House personnel, and others, regarding possibly taking on this assignment. In no way can I believe their comments should be held against the distinguished nomination of General Lute. They are part of the public records, but I think sometimes when the President speaks with individuals about the possibility of serving him, those matters are best left confidential—for any President. I certainly treat them that way. I was somewhat taken aback by

the judgments of General Sheehan and others. No disrespect to the chairman, but they are of no significance here.

This is a highly distinguished officer. He fought in the second armored cavalry regiment in Operation Desert Storm. He later commanded the second armored cavalry regiment in 1998 to 2000, and the multinational brigade east in Kosovo in 2002. In 2003, he was assigned as deputy director of operations in headquarters European command and, in that capacity, played an important role in responding to the impending humanitarian crisis in Liberia. It was in that context that I first met this distinguished officer.

General Jones was, at that time, NATO commander. I talked with him about the problems we were experiencing over the African coast at that time. As you may recall, elements of the Marine Corps and other Naval units were sent down there to try to—and indeed they did—succeed in contributing to a cessation of a lot of the tensions which could have erupted into a civil war.

At that time, General Lute was director of operations for the U.S. Central Command, where he served over 2 years. I was privileged to join him off the coast aboard those naval vessels, and he accompanied me when I went in and worked with the Ambassador in the incipient days of that potential conflict.

As a key member of the joint staff, I visited him many times in the Department of Defense and received excellent briefings from him about the worldwide situation. I have witnessed firsthand the extraordinary, professional capabilities of this fine officer.

In the estimation of GEN David Petraeus:

Doug Lute knows Iraq. Doug Lute knows Iraq, the region, and in Washington will be a great addition to the team that is striving to achieve success in Iraq. He is also a doer.

Ambassador Crocker added:

General Lute's knowledge and experience will make him a valuable partner to our efforts in Iraq. I look forward to working closely with General Lute in the coming months.

There has also been some indication that people are concerned about the precedents connected with this assignment. I will put into the RECORD a list of individuals who have served Presidents in this capacity over the past years. Notably among them were General Haig, military assistant to the President for national security affairs; Lieutenant General Scowcroft; Admiral Poindexter; GEN Colin Powell; General Kerrick; GEN Michael Hayden, Director of Central Intelligence at the present time and on active duty.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Rank/Name	Position	From	To
GEN Alexander Haig	Military Assistant to the Presidential Assistant for National Security Affairs	1969	1970.
GEN Alexander Haig	Deputy National Security Advisor	1970	1973.
GEN Alexander Haig	White House Chief of Staff (Nixon)	1973	1974.
LTG Brent Scowcroft	Deputy National Security Advisor	1973	1975.
ADM John Poindexter	Deputy National Security Advisor	1983	1985.
ADM John Poindexter	National Security Advisor	1985	1986.
LTG Colin Powell, USA	Deputy National Security Advisor	1987	1987.
LTG Colin Powell, USA	National Security Advisor	1987	1989.
LtGen Donald Kerrick, USAF	Deputy Assistant to the President for National Security Affairs	1997	1999.
LtGen Donald Kerrick, USAF	Deputy National Security Advisor	2000	2000.
Gen Michael Hayden, USAF	Director of Central Intelligence	2006	Present.

Mr. WARNER. I would also put this into the RECORD at this point. I solicited the White House's views regarding any legalities of this nomination. I have the letter of Mr. Fielding, counsel to the President. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,  
Washington, DC, June 26, 2007.

Hon. JOHN WARNER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR WARNER: This is in response to your inquiry as to the constitutionality of the President of the United States appointing an active duty military officer to serve in the White House Office as Deputy National Security Advisor to the President and Assistant to the President.

There is no constitutional issue arising by virtue of such service. All military officers are part of the Executive Branch of our government, and there is no break in their chain of command, as the President's constitutional duties include his role as Commander-in-Chief of the United States Armed Forces. Likewise, such an appointment is consistent with U.S. law. See 10 U.S.C. § 601.

As you are aware, in the past our Nation has been served by active duty military officers holding the same position; to wit: General Brent Scowcroft, Admiral John Poindexter, General Colin Powell, General Donald Kerrick.

Thank you for your inquiry. I am pleased to be able to respond.

With best regards,

Sincerely,

FRED F. FIELDING,  
Counsel to the President.

Mr. WARNER. Mr. President, I feel that this gentleman, General Lute, is eminently qualified, as the President has indicated. It is the personal prerogative of the President to select those who wish to advise him in a confidential vein. General Lute will undertake that with great distinction.

The PRESIDING OFFICER. The Senators from Virginia and Michigan control the time.

Mr. SESSIONS. Will somebody yield me some time?

Mr. WARNER. Mr. President, I yield such time as the Senator from Alabama wishes to take.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. LEVIN. Will the Senator yield briefly?

Mr. SESSIONS. Yes.

Mr. LEVIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Michigan has 7½ minutes. The Senator from Virginia has 10 minutes.

Mr. SESSIONS. Mr. President, I ask to be notified after 5 minutes.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. SESSIONS. Mr. President, I think Senator LEVIN and Senator WARNER have pointed out the fact that this is not an unprecedented appointment and that it is consistent with what has been done before. People have their own ideas about how the chain of command should work, but that is fundamentally the question to be answered.

Let me join with Senator WARNER in saying how much I admire the record of General Lute. He is a three-star general. He was a director of operations at the operational section of Central Command for 2 years. He is intimately familiar with the Middle East. He has demonstrated in his positions with the Department of Defense in recent years with the joint staff his willingness to question ideas that many consider popular. In fact, it is reported that he asked a lot of tough questions about the surge, and how that would go, and how it should be handled if done. I think, if anything, we know for sure that he will do what he believes is in America's interests.

Let me tell you why I truly believe we need a position such as this and a man like General Lute. We have about 170,000-plus soldiers in Iraq and Afghanistan. They are serving us in a dangerous area of the world. We know and have had so many colleagues say—and Senator LEVIN is most articulate in saying this—it is more than just the military; there is a political settlement, there is reconstruction, there are economic issues involved, oil and gas, water, electricity, which are all key components of having a government effective in Iraq that serves the people of Iraq and Afghanistan.

This is important. The problem is we have all our agencies involved in Iraq, not just the military. We have the State Department involved in Iraq. The State Department is the one responsible for trying to move the Government along in an effective way. They also have responsibility over the economy, trying to help Iraq have a good economy. They are responsible for trying to negotiate safety agreements with its neighbors. They are responsible for infrastructure, actually. They are not responsible for law and order, the court system, and the prison system, which has not gone well at all. I have been a major critic of that situation. That is under the responsibility,

not of the Department of Defense but the Department of Justice. If your court system is not working, if you don't have an adequate jail system, if you can't get the water turned on or the electricity turned on, our soldiers are at an increased risk to their safety.

So it is absolutely critical that all our agencies of Government work together, agree, work out differences, and create the greatest possible opportunity for those fabulous soldiers we have sent to be successful in helping to create a stable and decent government in Iraq. It is not at the level of cooperation we need. We have not gotten to that level.

I am telling my colleagues, I have seen it. The Department of Defense is here, the Department of Justice is here, the Department of State is here. The Department of Defense—probably in frustration, I will say it this way. I said we probably would have been better off just giving everything to the Department of Defense. They are pretty doggone competent in what they do. But the State Department has huge responsibilities in Iraq. Therefore, the Defense Department steps back and they interface, but State has responsibilities, Justice has responsibilities, and Interior has responsibilities in Iraq. Virtually every department and agency does. They are not at the highest level of effectiveness, in my view.

It is not as important, I have to say, for Justice to get a court system up and running as it is for the Defense Department because it is their soldiers at risk if we don't create a good justice system in Iraq.

I thought we needed somebody such as General Lute to go into Iraq, go into Afghanistan, and find out what is going on and be able to tell the President where the problems are. When there is a dispute between agencies, one person can fix it, and that is the President of the United States. He can say: I want it done this way or your resignation tomorrow, Mr. Secretary. Or you and I have had a long friendship over the years. I want this done, you don't want it done. I will get somebody who will get it done.

But how can he know all these different problems that are occurring? How can he personally be on top of it? Likewise for the Secretary of State. She is expected to be in China, to go to Brazil, Chile, Indonesia, Europe, Kosovo, South Korea, or Japan. The National Security Adviser has the whole world under his responsibility. He has to be managing all these issues

and personally advising the President. The Secretary of State has to manage all the bureaucracy contained in the State Department.

I guess what I would say to my colleagues, it is obvious to me the National Security Adviser cannot drop all of his or her responsibilities and spend his or her time negotiating problems in Iraq. The President is going to have to designate somebody to do that. He has chosen General Lute who is a man, by all accounts, of extraordinary ability, proven experience in the region, a person who knows the difficulties so he can carefully and with good judgment analyze the different disputes and try to get them settled so we can get on with producing more oil and gas, having water for the citizens, having the sewage system working, having the electricity on, and helping to make sure we have a legal system with sufficient bed spaces to detain criminals.

I discovered that we have one-ninth as many bed spaces in Iraq as we do in my State of Alabama. I saw a similar story for New York. There are not enough places to put the criminals, and we have to increase those places. The bureaucracy is sitting around and not getting that done.

If we catch and release terrorists, they are going to go out and kill again. There have been several articles that have picked up on this situation. I have to say, it has been a theme of mine for 3 years now, and we still haven't gotten the justice system up like we would like it.

I see the Presiding Officer, a former attorney general in his State, Senator SALAZAR. We were together in Iraq and talked about these issues. I know he shares a genuine concern that things are not being accomplished as fast as possible. So I think that operating in the name of the President to try and find out what difficulties are occurring in Iraq, where the bottlenecks are, and being able to get the parties together in the name of the President—he has no direct authority to order the Department of Justice or the Department of Defense to do anything. But he has the authority given by the President. If they can't agree, he can appeal to the President. He can say: Mr. President, the Department of State wants to do this, the Department of Justice wants to do this, the Department of Defense wants to do this. My recommendation is to do this, but you need to make this decision. Then the President can help eliminate these problems.

The truth is, when somebody such as General Lute says we have a disagreement between State and Justice and I am inclined to say this is the way it ought to be settled, but the President told me, when I call him tomorrow, to let me know if there are any difficulties, I am going to tell him that you two children cannot agree, usually they get together and settle it. They don't want to have the President come in and settle these disputes and get involved. They know he has a lot of issues on his plate.

That is the concept that I think can be helpful in making us more effective in creating the infrastructure, the civil justice system in Iraq and Afghanistan, thereby enhancing the ability of those governments in those countries to be successful, therefore enhancing their ability to be effective against terrorists and violence, therefore reducing the threat to our soldiers—that is the bottom line—and increasing their ability to be successful.

I am pleased to support this nomination. I think all the serious questions that have been raised have been answered.

I see my friend and colleague from Virginia. He raises a good point about this matter of a uniformed person being in the executive branch, the political branch, I guess one can call it. We have done it before and, in this case, in my view, that concern, while a legitimate one, I believe is outweighed by the fact that we need help right now and General Lute is the guy who can do it.

I yield the floor.

The PRESIDING OFFICER. Who yields time to the Senator from Virginia?

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 6½ minutes remaining.

Mr. LEVIN. Mr. President, I yield the 6½ minutes to the Senator from Virginia. If he needs additional time, I ask unanimous consent that he be given additional time, after the 6½ minutes. We will wait and see if that is the case.

Mr. WEBB. Mr. President, I will do my best to finish within 6 minutes. I appreciate the chairman asking me to come to the floor.

This issue came up fairly quickly because of the vote this morning. I was not able to be here when my friend and colleague, the senior Senator from Virginia, made his comments, but he did give me the letter that had been provided to him by the counsel to the President which addresses the issue of the constitutionality of a uniformed officer serving as a direct policy adviser inside the administration.

Counsel Fielding points out in the letter that there is no constitutional issue. He mentions Generals Scowcroft, Powell, Kerrick, and Admiral Poindexter as recent examples of active-duty military officers holding this type of position.

I would have risen in opposition to all of these other individuals under the circumstances that exist today, and I am going to try to clarify that.

I don't expect the opposition I have to General Lute's nomination is going to preclude him from being confirmed. I don't want the record to indicate that I have any question with respect to his competence, the way he has served the country over the past 30 years or so, but I do believe this is a very important issue, and it goes beyond the opinion that was in Counsel Fielding's letter.

He addresses the direct constitutionality because the military is a part of the executive branch. My difficulty is that the military must in this country remain separate from politics. That doesn't mean the President cannot bring an active-duty military person on to his staff. As Senator WARNER said in another meeting, the President has the authority to bring anyone of value to his administration he wants. The question becomes: Should that individual remain in uniform? And should that individual be able to return to the active-duty military once his service is done?

I asked General Lute during his confirmation hearings if he believed that the advice he would be giving in this position would be political in nature, and it unavoidably is.

So we have a situation that is recent history. This type of situation does not go back long in American history where we have brought active-duty military people inside the political circle of an administration and then allowed them to return as active-duty members back to the military. This has not happened with any frequency, other than in the past 20 years or so.

That individual returning to the military in a uniform unavoidably causes questions inside the military about political alignments and tends to politicize the military. That is my problem. There is no way General Lute can go to the morning meetings and give advice that is not simply operational, but that is political in nature with respect to how an administration puts a policy into place, and then can return to the active-duty military and be viewed as politically neutral. I say that again with respect to the other individuals who were named in Fred Fielding's letter.

It is my intention, during the time I am in the Senate, to ask any military officer who is being put into a position of political sensitivity whether that individual intends to take the uniform off and keep it off. Any individual who otherwise is qualified who intends to return to the active-duty military service, in my opinion, is violating this very sensitive line with respect to the politicization of the military, and I intend to oppose those nominations.

I thank the chairman for this time.

I yield the floor.

Mr. FEINGOLD. Mr. President, in keeping with my practice of deferring to Presidents when it comes to executive branch nominations, I voted to confirm LTG Douglas Lute to serve as Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan. He is a competent officer with a history of service to this Nation. However, I am deeply concerned that rather than changing course in Iraq, the President is merely rearranging the bureaucracy in the White House.

The administration needs to better coordinate the U.S. Government's operations in Iraq and Afghanistan. I am

pleased that Lieutenant General Lute has acknowledged that the U.S. military alone cannot stabilize Iraq and that enhanced efforts by other agencies of the Federal Government are needed.

However, I am skeptical that this new position will have a significant impact given that the President still refuses to admit that there is no military solution to the situation in Iraq. Until the President recognizes the need to redeploy our troops from Iraq and seek international assistance in promoting a political resolution, I am afraid that Lieutenant General Lute's efforts will simply contribute to more of the same failed policy. I will continue working to redeploy our troops from Iraq so that we can devote greater resources to our top national security priority—going after the terrorists who attacked us on 9/11 and their allies.

Mrs. BOXER. Mr. President, I am voting present on the nomination of Douglas E. Lute to be Special Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan.

Although I respect General Lute's distinguished 30-plus year career in the U.S. Army, I view this position as rearranging the bureaucracy at the White House. The creation of a "war czar" will not hide the President's failed policies and is another way for him to duck responsibility for the war in Iraq.

Mr. BYRD. Mr. President, on May 15, 2007, President Bush nominated LTG Douglas Lute as Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan. In that position, Lieutenant General Lute is to be charged with coordinating the efforts of the executive branch to support our commanders and senior diplomats on the ground in Iraq and Afghanistan.

I am voting against the nomination of LTG Douglas Lute, not because he is unqualified for the position but because the White House refuses to permit him to testify before those Members of Congress responsible for the oversight and funding of these conflicts. Article 2, section II of the Constitution makes it clear that the power to appoint certain officers involves the advice and consent of the Senate. I can imagine no circumstance where the President may require policy advice and guidance from an Active Duty military officer regarding ongoing conflicts and issues relevant to Congress's oversight responsibilities to which Congress should not be equally capable of hearing in either public or closed forums as appropriate. To do otherwise may raise popular suspicion that all is not on the "up and up" with the way the President is conducting this war.

I am also concerned that putting a general in this position will leave the military open to inferences by the administration that it is the military, rather than George W. Bush, who is responsible for the failed policies in Iraq. After 5 years of conflict in Afghanistan and Iraq, the President, his Cabinet,

and his existing staff should have long ago figured out how to coordinate executive branch support to our commanders and senior diplomats in the field, without needing to put a military officer in charge of coordinating the civilian arms of government.

Repeatedly, the President has appointed a new military officer to a leadership position and Congress has allowed the nomination to proceed without objection. The White House then turns the cooperation of Congress into yet another sound bite to prolong the prosecution of the President's failed policy. How many times have we heard that General Petraeus was confirmed unanimously and that we "just need to give him time"? The President has had 4½ years to show progress. Instead, the situation continues to worsen in Iraq.

I, for one, will not vote to give the President another military officer to blame or another unanimous vote to exploit to delay bringing home our troops. I will not accept the President's claim that a military officer advising the President on two ongoing conflicts should not be required to testify before Congress on the progress of this long and disastrous war.

I will, therefore, vote against the confirmation of Lieutenant General Lute to this position.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There is no time remaining to Senator WARNER.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, apparently I have a minute and a half remaining. I will be happy to yield to the Senator from Alabama, if he would like the time.

Mr. SESSIONS. Mr. President, if we are waiting for the vote, I was going to quote a few items from General Lute's statement, but otherwise I don't need to do that.

Mr. LEVIN. The vote will begin at 4. Under the order, there is another speaker scheduled at 3 o'clock.

The PRESIDING OFFICER. At 3 o'clock the Senate will return to morning business.

Mr. SESSIONS. Mr. President, if Senator LEVIN is comfortable with this, I ask for 3 minutes. If someone comes to the Chamber at 3 and needs to take the floor, I will yield.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Alabama be yielded 3 minutes, and then morning business start at 3:03 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, we had a hearing with General Lute. Senator LEVIN presided in his able way, as always. He gave us a short written

statement of some of his principles. I thought the American people might appreciate how he approaches this issue.

He spoke to people. He said this about this position:

To a person, those with whom I have spoken conveyed two clear messages: first, a message of concern for the well-being and safety of our men and women in harm's way; and second, that we would all like to see us pursue a course of action that makes our country safer while safeguarding our national interests in the region. Surely, this is our common ground.

He went on to say:

But the stakes for the United States are also high. This region—where America has vital national interests—will not succeed if Iraq and Afghanistan do not succeed, and the U.S. plays a vital role in this cause.

He went on to say this:

No one is satisfied with the status quo: not the Iraqis, not key regional partners, not the U.S. Government, and not the American public. To change this, we are in the midst of executing a shift in course as announced by the President in January. Early results are mixed. Conditions on the ground are deeply complex and are likely to continue to evolve—meaning that we must constantly adapt. Often, measures that fix one problem in as complex an environment as this reveal challenges elsewhere.

That is certainly true. General Lute continued:

But one factor remains constant—the dedication and sacrifice of our men and women, military and civilian, serving in these combat zones. They are a continuing source of inspiration to me and to my family.

The position for which I have been nominated is designed for one fundamental purpose: to advise the President on how to provide our troops and civilians in the field with increased focused, full-time, real time, support here in Washington.

He goes on to say:

The aim is to bring additional energy, discipline, and sense of urgency to the process. Our troops deserve this support.

I think that is a good statement, a sense of urgency for all our agencies and departments of Government, not just the military. He concludes this way:

Mr. Chairman, I am a soldier; and our country is at war. It is my privilege to serve. This position represents a major personal challenge and I am humbled by the responsibility it entails. If confirmed, I will give the President my straightforward, candid, professional advice.

Mr. President, I yield the floor.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is now in a period of morning business, with Senators permitted to speak up to 10 minutes each.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.